

Adopted	Rejected
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COMMITTEE REPORT

YES:	10
NO:	0

MR. SPEAKER:

*Your Committee on Local Government, to which was referred House Bill 1145, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 13-21-3-12 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. Except as provided
- 5 in section 14.5 of this chapter, the powers of a district include the
- 6 following:
- 7 (1) The power to develop and implement a district solid waste
- 8 management plan under IC 13-21-5.
- 9 (2) The power to impose district fees on the final disposal of solid
- 10 waste within the district under IC 13-21-13.
- 11 (3) The power to receive and disburse money, if the primary
- 12 purpose of activities undertaken under this subdivision is to carry
- 13 out the provisions of this article.
- 14 (4) The power to sue and be sued.

1 (5) The power to plan, design, construct, finance, manage, own,
 2 lease, operate, and maintain facilities for solid waste
 3 management.

4 (6) The power to enter with any person into a contract or an
 5 agreement that is necessary or incidental to the management of
 6 solid waste. Contracts or agreements that may be entered into
 7 under this subdivision include those for the following:

8 (A) The design, construction, operation, financing, ownership,
 9 or maintenance of facilities by the district or any other person.

10 (B) The managing or disposal of solid waste.

11 (C) The sale or other disposition of materials or products
 12 generated by a facility.

13 Notwithstanding any other statute, the maximum term of a
 14 contract or an agreement described in this subdivision may not
 15 exceed forty (40) years.

16 (7) The power to enter into agreements for the leasing of facilities
 17 in accordance with IC 36-1-10 or IC 36-9-30.

18 (8) The power to purchase, lease, or otherwise acquire real or
 19 personal property for the management or disposal of solid waste.

20 (9) The power to sell or lease any facility or part of a facility to
 21 any person.

22 (10) The power to make and contract for plans, surveys, studies,
 23 and investigations necessary for the management or disposal of
 24 solid waste.

25 (11) The power to enter upon property to make surveys,
 26 soundings, borings, and examinations.

27 (12) The power to:

28 (A) accept gifts, grants, loans of money, other property, or
 29 services from any source, public or private; and

30 (B) comply with the terms of the gift, grant, or loan.

31 (13) The power to levy a tax within the district to pay costs of
 32 operation in connection with solid waste management, subject to
 33 the following:

34 (A) Regular budget and tax levy procedures.

35 (B) Section 16 of this chapter.

36 However, except as provided in sections 15 and 15.5 of this
 37 chapter, a property tax rate imposed under this article may not
 38 exceed eight and thirty-three hundredths cents (\$0.0833) on each

- 1 one hundred dollars (\$100) of assessed valuation of property in
2 the district.
- 3 (14) The power to borrow in anticipation of taxes.
- 4 (15) The power to hire the personnel necessary for the
5 management or disposal of solid waste in accordance with an
6 approved budget and to contract for professional services.
- 7 (16) The power to otherwise do all things necessary for the:
8 (A) reduction, management, and disposal of solid waste; and
9 (B) recovery of waste products from the solid waste stream;
10 if the primary purpose of activities undertaken under this
11 subdivision is to carry out the provisions of this article.
- 12 (17) The power to adopt resolutions that have the force of law.
13 However, a resolution is not effective in a municipality unless the
14 municipality adopts the language of the resolution by ordinance
15 or resolution.
- 16 (18) The power to do the following:
17 (A) Implement a household hazardous waste and conditionally
18 exempt small quantity generator (as described in 40 CFR
19 261.5(a)) collection and disposal project.
20 (B) Apply for a household hazardous waste collection and
21 disposal project grant under IC 13-20-20 and carry out all
22 commitments contained in a grant application.
23 (C) Establish and maintain a program of self-insurance for a
24 household hazardous waste and conditionally exempt small
25 quantity generator (as described in 40 CFR 261.5(a))
26 collection and disposal project, so that at the end of the
27 district's fiscal year the unused and unencumbered balance of
28 appropriated money reverts to the district's general fund only
29 if the district's board specifically provides by resolution to
30 discontinue the self-insurance fund.
31 (D) Apply for a household hazardous waste project grant as
32 described in IC 13-20-22-2 and carry out all commitments
33 contained in a grant application.
- 34 (19) The power to enter into an interlocal cooperation agreement
35 under IC 36-1-7 to obtain:
36 (A) fiscal;
37 (B) administrative;
38 (C) managerial; or

- 1 (D) operational;
 2 services from a county or municipality.
- 3 (20) The power to compensate **board members and** advisory
 4 committee members for attending meetings at a rate determined
 5 by the board. **However, compensation paid under this**
 6 **subdivision to a board member or an advisory committee**
 7 **member may not exceed seventy-five dollars (\$75) for each**
 8 **meeting.**
- 9 (21) The power to reimburse board and advisory committee
 10 members for travel and related expenses at a rate determined by
 11 the board.
- 12 (22) In a joint district, the power to pay a fee from district money
 13 to the counties in the district in which a final disposal facility is
 14 located.
- 15 (23) The power to make grants or loans of:
 16 (A) money;
 17 (B) property; or
 18 (C) services;
 19 to public or private recycling programs, composting programs, or
 20 any other programs that reuse any component of the waste stream
 21 as a material component of another product, if the primary
 22 purpose of activities undertaken under this subdivision is to carry
 23 out the provisions of this article.
- 24 (24) The power to establish by resolution a nonreverting capital
 25 fund. A district's board may appropriate money in the fund for:
 26 (A) equipping;
 27 (B) expanding;
 28 (C) modifying; or
 29 (D) remodeling;
 30 an existing facility. Expenditures from a capital fund established
 31 under this subdivision must further the goals and objectives
 32 contained in a district's solid waste management plan. Not more
 33 than five percent (5%) of the district's total annual budget for the
 34 year may be transferred to the capital fund that year. The balance
 35 in the capital fund may not exceed twenty-five percent (25%) of
 36 the district's total annual budget. If a district's board determines
 37 by resolution that a part of a capital fund will not be needed to
 38 further the goals and objectives contained in the district's solid

- 1 waste management plan, that part of the capital fund may be
 2 transferred to the district's general fund, to be used to offset
 3 tipping fees, property tax revenues, or both tipping fees and
 4 property tax revenues.
- 5 (25) The power to conduct promotional or educational programs
 6 that include giving awards and incentives that further the district's
 7 solid waste management plan.
- 8 (26) The power to conduct educational programs under
 9 IC 13-20-17.5 to provide information to the public concerning:
- 10 (A) the reuse and recycling of mercury in:
- 11 (i) mercury commodities; and
 12 (ii) mercury-added products; and
- 13 (B) collection programs available to the public for:
- 14 (i) mercury commodities; and
 15 (ii) mercury-added products.
- 16 (27) The power to implement mercury collection programs under
 17 IC 13-20-17.5 for the public and small businesses.".
- 18 Renumber all SECTIONS consecutively.
 (Reference is to HB 1145 as introduced.)

and when so amended that said bill do pass.

Representative Smith V